IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 165 OF 2005

Shri Shamrao Ganapati Bhise .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri M.S. Mohite the Applicant.
Shri V.B. Konde Deshmukh, APP for the Respondent State.

CORAM : A.M.KHANWILKAR,J.
DATED : JANUARY 19, 2005

PC :-

. Heard counsel for the parties. Perused the record.

2. There is direct evidence of witnesses who have stated about the fact that they had seen the applicant arriving at the shop of the accused Nos. 1 and 2 along with the country made liquor in balloon and tubes. There is evidence also about supply of liquor by the applicant which in turn has been sold by the accused Nos. 1 and 2, resulting into death of 11 persons and hospitalization of 61 persons. Thus, having regard to the seriousness of the offence and material to indicate the complicity of the applicant,

not a case for bail.

3. The argument that there is no evidence on record to suggest that the applicant was carrying manufacturing activity, does not commend to me. Assuming that the applicant may be justified in contending that there is no evidence about manufacturing activity carried on by the applicant but the fact remains that there is clear evidence about supply of liquor by the applicant to accused Nos. 1 and 2, who in turn have sold that liquor to the persons who were eventually affected. In the circumstances, I see no reason to depart from the conclusion reached by the court below in rejecting the application for bail preferred by the present applicant.

4. Hence, dismissed.

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